

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Registration & Stamps – Allegation of acquisition of assets disproportionate to the known sources of legal income against Sri P.Yagnanarayana – Final report sent – Departmental Action – Reg.

REVENUE (VIG.VI) DEPARTMENT

G.O.Rt.No.771.

Dated: 29.05.2013.

Read the following:-

- 1) From the D.G., A.C.B., Hyderabad, Rc.No.182/RCA- VKI/2009, dated: 24.03.2011.
- 2) From the D.G., A.C.B., Hyderabad Rc.No.182/RCA-VKI/2009-S9, dated: 26.04.2011.
- 3) From the D.G., A.C.B., Hyderabad, Cr.No.182/RCA-VKI/2009-S.9, dated: 01.08.2011, 16.02.2012.
- 4) Govt. Memo.No.31301/Vig.VI (1)/2009-6, dated: 17.09.2012.
- 5) From the D.G., A.C.B., Hyderabad, Cr.No.182/RCA-VKI/2009-S.9, dated: 26.11.2012.
- 6) Govt. Memo.No.31301/Vig.VI (1)/2009-11, dated: 24.01.2013.
- 7) From the D.G., A.C.B., Hyderabad, Cr.No.182/RCA-VKI/2009-S.9, dated: 26.02.2013.

* * * * *

ORDER:

Where as, while furnishing the final report in respect of allegation of acquisition of assets disproportionate to the known sources of legal income against Sri P.Yagnanarayana, former Sub-Registrar, Patamata, Vijayawada, to Government, the Director General, Anti Corruption Bureau, A.P., Hyderabad has recommended as follows:-

Sl.No.	Allegation No. / Gist of allegation	Recommendation of the D.G., A.C.B
1.	That the Accused Officer Sri P.Yagnanarayana, former Sub Registrar, Patamata, Vijayawada, Krishna District acquired disproportionate assets of Rs.1,15,62,010/- to the known sources of his legal income. He tampered the records of the S.R.O., Patamata by deleting the information relating to documents 424/08, 425/08 and 426/08.	Prosecution in a Court of Law under Section 13(1)(e) read with 13(2) of the P.C Act, 1988 and Sec.204 IPC.
2	That the Accused Officer did not obtain prior permission for acquiring immovable properties vide Sl.Nos.2 to 8. The Accused Officer failed to submit Annual Property Returns to the competent authority for the years 1975 to 1978, 1980 to 1992 and 2003 to 2007. The Accused Officer failed to submit Form I to VI to the competent authority in spite of repeated instructions.	Departmental action for major penalty under Rule 9(1), 9(7) and 9(8) of A.P.C.S (Conduct) Rules, 1964.

2. The Director General, Anti Corruption Bureau therefore requested the Government to issue speaking order for sanction of prosecution and also initiate departmental action against Accused Officer. Further the Director General, Anti Corruption Bureau, A.P., Hyderabad sent his proposal for attachment of Properties of Accused Officer to Government and requested to authorize the investigating officer of Bureau of this case under Section 3 of Criminal law Amendment Ordinance of 1944 for filing an application in the Court of Special Judge for SPE & ACB Cases, Vijayawada for attachment of properties worth Rs.97,55,947/- (Rupees Ninety Seven Lakhs, Fifty Five Thousands Nine Hundred and Forty Seven only).

3. Where as, the Director General, Anti Corruption Bureau, A.P., Hyderabad informed that as the Accused Officer retired from service on 30.06.2011 on attaining the age of superannuation, the Bureau filed charge sheet against him in the Court of Special Judge for SPE & Anti Corruption Bureau Cases, Vijayawada on 13.01.2012, and would also requested to communicate the orders of the Government regarding attachment of properties of Accused Officer, his wife etc. and to issue orders for departmental action against the Accused Officer.

4. Where as, Government examined the matter and ordered to initiate departmental action in respect of all counts recommended by the Director General, Anti Corruption Bureau, A.P., Hyderabad against Accused Officer instead of prosecution and accordingly directed the Director General, Anti Corruption Bureau, A.P., Hyderabad to furnish the Articles of Charges, statement of imputations, List of witnesses and List of documents for taking further action against him under Andhra Pradesh Revised Pension Rules, 1980.

5. Where as, the Director General, Anti Corruption Bureau, A.P., Hyderabad requested the Government to reconsider the above decision, as the charge sheet was already filed against the Accused Officer.

6. Where as, Government examined the proposal of the Director General, Anti Corruption Bureau, A.P., Hyderabad, reiterated its decision and asked to furnish the Articles of Charges, statement of imputations, List of witnesses and List of documents etc as directed earlier.

7. Where as the Director General, Anti Corruption Bureau again informed to the Government that on superannuation of the Accused Officer on 30.06.2011, they had already filed charge sheet against him in the Court of Special Judge for SPE & ACB Cases, Vijayawada on 13.01.2012 vide CC No.10/2013 and court of Special Judge has taken cognizance of the offence, that unless the Government withdraw the prosecution under section 321 Cr.PC holding of Departmental Enquiry of the Charges against the Accused Officer for the same charge would amount to double jeopardy. He therefore requested the Government for further orders in the matter.

8. After careful examination of the final report of the Director General, Anti Corruption Bureau and representation of the Accused Officer a decision was taken to entrust the matter to departmental Enquiry instead of prosecution. Accordingly, the Director General, Anti Corruption Bureau was directed to furnish the Draft Article of Charges etc under Andhra Pradesh Revised Pension Rules, 1980 on 17.09.2012. The Director General, Anti Corruption Bureau instead of complying, the said orders, reported that the charge sheet had been filed against the Accused Officer on 13.01.2013. It is observed that the above orders of Government are not brought to the notice of the Trial Court by the Anti Corruption Bureau authorities at the time of admitting the case. In the above circumstances, Government decide to withdraw the prosecution against the Accused Officer, and reiterates their earlier decision to entrust the case to departmental enquiry. The Director General, Anti Corruption Bureau, is requested to file necessary petition before the Court in C.C.No.10/2013, and furnish draft Article of Charges along with relevant material to Government to conduct departmental enquiry under Andhra Pradesh Revised Pension Rules, 1980, without further correspondence.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**VINOD K. AGRAWAL
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director General, Anti Corruption Bureau, A.P., Hyderabad.

Copy to:

1. The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.
2. CC.

// FORWARDED :: BY ORDER //

SECTION OFFICER